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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,091	05/18/2006	Jurgen Oetjen	188.613	7492
47888	7590	12/04/2008	EXAMINER	
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036				DIAZ, THOMAS C
ART UNIT		PAPER NUMBER		
		3656		
			MAIL DATE	
			DELIVERY MODE	
			12/04/2008	
			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/580,091	OETJEN, JURGEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	THOMAS DIAZ	3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 September 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-6 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 7-9 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-6 and 10-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 September 2008 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### Status of Claims

This office action is in response to the reply filed on 09/16/2008. The examiner appreciates and acknowledges applicant's response. Claims 1, 3-6, 10-12 are pending and claims 2 and 7-9 have been canceled.

### *Claim Objections*

1. Claim 10 is objected to because of the following informalities: As mentioned in the previous action, claim 10 recites "the spindle nut has two first and second nut parts". It appears that a coma is necessary after the word "two" and after "the second nut" or the applicant can delete the word "two". As currently recited, the claim can be read as having 4 nut parts. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 was amended to remove claim language including "the partial amount (a)". As a result "the partial amount (a)" recited in claim 12 now lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 10, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Greby (USP 3192791).

Regarding claim 1, Greby discloses a similar device comprising:

- a spindle nut (fig.8, 26a) arranged on a threaded spindle (fig.8, 22a) and having rollers (fig.8, 28a) which are arranged such that they can roll in a thread path (see fig.8), the thread path being delimited by thread grooves (fig.8, 40a, 42a, 32a, 34a) provided on the threaded spindle and on the spindle nut, which thread grooves are each delimited, by two thread flanks, the rollers rolling on thread flanks, which face one another, of the two thread grooves (see fig.8), wherein the thread flanks are longer than the rollers (see fig.13 and col.3, lines 5-18), a free space being formed between end sides of the rollers and thread flanks situated opposite said end sides (fig.13, 44), and wherein a first roller set (see fig.8, set of rollers on the left nut) formed from rollers is arranged such that it can roll in a first thread path, and a second roller set (fig.8; set of rollers on the right nut) is arranged such that it can roll in a second thread path and wherein the

rotational axes of the rollers of the first roller set are arranged at an angle to the rotational axes of the second roller set and wherein the rollers of the first roller set are arranged such that they can roll on one thread flank of the thread groove of the threaded spindle, and the rollers of the second roller set are arranged such that they can roll on the other thread flank of the thread groove of the threaded spindle (see fig.8, the roller sets have offset angles and roll on separate thread flanks, i.e. 32a and 34a).

Regarding claim 3, Greby discloses the free space is formed as a lubricant reservoir (fig.13, 44).

Regarding claim 10, Greby discloses the spindle nut has two first and second (fig.8, shows two nut parts 26a) arranged one behind the other, the first roller set being arranged in the first nut part and the second roller set being arranged in the second nut part (see fig.8, one roller set is arranged in each nut part).

Regarding claim 11, Greby discloses a spacer (fig.8, 76) is provided which keeps the two nut parts at an axial distance from one another and defines an axial distance dimension which is such that the nut parts are kept in a prestressed state with the threaded spindle (col.5, lines 43-49).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greby (USP 3192791) in view of Rabe (USP 4961651).

Regarding claim 4, Greby fails to disclose a cage for guiding the rollers, being held in the pockets of said cage, the cage having belts having webs connecting them to one another, the belts being arranged in the free space.

Rabe teaches a cage (fig.1, 1) provided for guiding rollers being held in the pockets (fig.1, 2) of said cage, the cage having belts (fig.1, sides of cage running from left to right in the figure) having webs (fig.1, 5) connecting them to one another. The cage is provided for the purpose of guiding and aligning the rollers with respect to one another (col.1, lines 29-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the roller screw disclosed by Greby by adding the cage for guiding the rollers, being held in the pockets of said cage, the cage having belts having webs connecting them to one another, the belts being arranged in the free space, as taught by Rabe, for the purpose of guiding and aligning the rollers with respect to one another (col.1, lines 29-36).

Regarding claim 5, in the combination made above, Rabe discloses the belts are arranged at a distance from one another (see fig.1), span one plane, the rotational axes of the rollers being arranged parallel to the plane and transversely with respect to the belts (see fig.1).

Regarding claim 6, in the combination made above, Greby and Rabe disclose the webs and the free space loop around the rotational axis of the roller screw drive in the manner of a screw.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 3-6,10-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS DIAZ whose telephone number is (571)270-5461. The examiner can normally be reached on Monday-Friday 8:30am to 5:30pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Thomas Diaz/  
Examiner, Art Unit 3656

/Richard WL Ridley/  
Supervisory Patent Examiner, Art Unit 3656